

Remarks

Claims 1-20 are pending in the application. Claims 1-14 were rejected and claims 15-20 were allowed. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 112

Claim 14 was rejected under § 112, second paragraph, as being indefinite. Applicant respectfully believes that claim 14 is not indefinite. Applicant directs the Examiner to Figure 1, which shows a first cable 62 and a second cable 64 that are connected to an actuator 60 at a first end of each cable and connected to carriage 24 at a second end of each cable. Thus, the "first and second cables extend between the actuator and the carriage" as recited in claim 14. Support in the specification is found in the paragraph starting at line 24 on page 6. Therefore, claim 14 is not vague or indefinite and Applicant respectfully requests that this rejection be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 1-13 were rejected under § 103(a) as being unpatentable over U.S. Patent No. 3,219,335 to Burrige (hereinafter "Burrige '335") in view of U.S. Patent No. 3,736,702 to Pickles (hereinafter "Pickles '702"). Applicant respectfully believes that a *prima facie* case has not been established for the rejection of independent claims 1 and 9 and their respective dependent claims.

Claim 1 recites an apparatus for positioning a window that includes "a link pivotally connected to the carriage with a pin at a first end and pivotally connected to a first window bracket at an upper end." Similarly, claim 9 recites an apparatus for positioning a window that includes "a link pivotally connected to the carriage with a carriage pin at a first end and pivotally connected to a first window bracket at a second end." Applicant respectfully believes that Burrige '335 and Pickles '702, either alone or in any combination, do not disclose or suggest the limitations of claims 1 or 9.

In the Office Action, the Examiner looked to Burrige '335 for support, stating that T-shaped plate 17 was a "link" and connecting piece 20 was a "carriage" (see Office Action, page 3). Applicant notes that the Examiner did not identify any element in any reference as being a carriage pin/pin as recited in claims 1 and 9. Thus, Applicant is left to guess as to what the Examiner considers to be a carriage pin/pin in the cited references. Applicant respectfully requests that the Examiner point with particularity to what is considered to be a pin or carriage pin in the next communication.

T-shaped plate 17 ("link") is not pivotally connected to connecting piece 20 ("carriage") with a pin. Instead, connecting piece 20 "is formed as a sheet metal pressing and has a pair of part cylindrical portions 20a (see column 2, lines 33-35). Brackets 23 "are secured to plate 17" (see column 2, line 42). Rubber pads 22 engage the brackets 23 and the part cylindrical portions 20a (see column 2, lines 39-42). There is no disclosure or suggestion that cylindrical portion 20a, rubber pads 22, or brackets 23 pivot. Moreover, there is no disclosure or suggestion that cylindrical portion 20a, rubber pads 22, and bracket 23 pivotally connect T-shaped plate 17 to connecting piece 20.

Burrige '335 also makes it clear that no pivotal movement is allowed between the T-shaped plate 17 and connecting piece 20 since "plate 17 cannot be rocked about an axis perpendicular to the plane of the window panel 10 owing to the interaction between the guide tube 21 and the rollers 28, 29 and 30" (see column 3, line 12-15). Indeed, the interaction between the guide tube and rollers only allows linear movement and prevents pivoting. If the Examiner disagrees, Applicant requests that the Examiner clarify how the cited references disclose or suggest "a link pivotally connected to the carriage with a pin." Pickles '702 does not cure the deficiencies of Burrige '335 since it is silent regarding a link, a carriage, and a carriage pin/pin, and was not relied on by the Examiner to support the rejection of claims 1 or 9.

For these reasons, the rejection of claims 1 and 9 is believed to be improper and Applicant requests that this rejection be withdrawn. Since claims 2-7 and 10-14 depend on claims 1 and 9, the rejection of these claims is improper for the same reasons.

Conclusion

Applicant has made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

RICHARD LUBAWAY

By /Matthew M. Mietzel/
Matthew M. Mietzel
Reg. No. 46,929
Attorney for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351